



**EXECUTIVE COMMITTEE MEETING MINUTES**

**July 13, 2023**

**2535 Capitol Oaks Drive, Ste. 205  
 Sacramento, CA 95833  
 via WebEx Webinar**

**Board Members Present:** Dr. Mountain, Board President, Chair  
 Mr. Dierking, Board Vice President

**Staff Present:** Ms. Yamaguchi, Executive Officer  
 Mr. Ito, Assistant Executive Officer  
 Ms. Wood, Chief, Enforcement Division  
 Ms. DeYoung, Supervising Nursing Education Consultant  
 Ms. Brown, Licensing Division Manager  
 Mr. Hall, Licensing Supervisor  
 Mr. Prouty, Discipline Unit Manager  
 Mr. Weiler, Probation Manager  
 Ms. DeCristofaro, Personnel Liaison

**DCA Staff Present:** Ms. Schieldge, Attorney IV, Board Regulations Counsel and Acting Board General Counsel

1. Call to Order & Committee Roll Call – Dr. Mountain, Chair.

Dr. Mountain called the meeting to order at 2:00 pm.

Committee members introduced themselves.

2. Introduction of Staff and Counsel – Mark Ito, Assistant Executive Officer.

Mr. Ito introduced board staff. Ms. Schieldge introduced herself.

3. Operations Update – Mark Ito, Assistant Executive Officer.

Mr. Ito shared an update on the lease and space planning efficiency project, including the options being considered to ensure cost-savings and space efficiency. He continued with an update on the records management project. This project is evaluating options to become more paperless and ensure the most cost-effective option(s) for records management moving forward.

Mr. Ito concluded his update sharing that Board staff is continuing to work on updating the Board's information security system as mentioned in previous updates.

**Committee Discussion:**

Mr. Dierking asked about staff teleworking and the impact on the space management. Mr. Ito confirmed that the Board does have staff that primarily telework and is one of the catalysts behind the space project.

4. Enforcement Division Report – Antoinette Wood, Chief, Enforcement Division.

Ms. Wood shared an update on Operation Nightingale; an FBI investigation into nursing schools that participate(d) in fraudulent transcripts and diplomas. She shared that staff has mostly resolved all cases received and only have about a dozen pending next steps/confirmation from other entities/states. All California licenses have been confirmed. There are some cases that involve the BRN. The fraudulent transcripts appear to be under the RN schooling, out of our jurisdiction; but we will take appropriate action on LVN licensees once BRN makes determinations on the RN license.

Ms. Wood continued to share that the PSA on Substance Abuse has been scheduled. The script has been approved and that Dr. Mountain and Ms. Moore have confirmed their participation in the recording; staff is looking for another member to participate. Mr. Dierking offered his participation in the event staff is unable to confirm another member by close of business the following day. Ms. Wood thanked Mr. Dierking for the offer and would be in touch.

Ms. Wood shared that there has been an increase in Enforcement cases due to an oversight on licenses renewals where Enforcement staff were not made aware that some licensees were answering "yes" in response to conviction questions on their renewal applications, but Enforcement staff is working through them to bring the backlog up to date and ensure correct processing and notice to Enforcement moving forward. Ms. Schieldge noted that moving forward this needs to be addressed since delay in investigation can hinder prosecuting a case. Ms. Wood confirmed that interim steps are being taken while a permanent solution is being finalized.

**Committee Discussion:**

Dr. Mountain asked to clarify how the BRN was involved in the VN cases of Operation Nightingale. Ms. Wood clarified their involvement.

Mr. Dierking shared his concerns with the scope of Operation Nightingale in that it appears to be increasing. Mr. Dierking continued to raise his concerns that in consumer protection, it is the responsibility of the Board to ensure medical personal has the proper training and valid credentials; with the fraud happening foreign and domestic, the scope appears to be adding layers that could make identifying the

fraud more difficult. Ms. Wood shared that most of the cases received have uncovered fraud to be occurring after the LVN schooling and licensure; and primarily impacting the Registered Nursing licensees. Ms. Wood agreed that this operation is concerning, but the Board is doing everything it can with the information the FBI shares to combat the fraud.

Dr. Mountain asked if there was a way to share on the BVNPT website additional information regarding the steps, education, and necessary requirements to move from LVN to RN. Ms. Wood agreed and suggested a potential joint statement with BRN on this topic. Mr. Dierking brought up that he believes this was a potential topic for a future PSA and whether that this idea was still being considered. Dr. Mountain confirmed and commented that while she wishes the situation would resolve, she believes it will be an issue for a while. The members agreed that this is an issue that impacts all consumers, and it is important to educate the best we can to ensure licensees and applicants are better aware.

Dr. Mountain asked to confirm if this is a consumer issue or if the schools would be partially responsible. Ms. DeYoung agreed that this issue should be a joint effort by everyone to ensure full disclosure and streamlined messaging. Ms. DeYoung also was curious how many of the people were unaware versus those that intended to simply purchase their credentials. Dr. Mountain believes that the participating schools are targeting vulnerable students.

Ms. Schieldge suggested that staff do research and converse with BRN to work together to create and provide any resources jointly to ensure consistent messaging between agencies. However, since this item is not on the agenda, she recommended the Committee place this item on a future agenda to allow staff time to prepare to discuss this issue at a future meeting.

Both Committee members indicated that they would like to see this on a future agenda to discuss further. Mr. Dierking suggested an ad-hoc committee. Ms. Schieldge offered additional suggestions for future steps including options for ad-hoc committee composition depending on whether the ad-hoc committee would be subject to the Open Meeting Act. Members agreed to send this topic back to staff to filter through the divisions to research and discuss on a future agenda.

5. Education Division Update – Beth DeYoung, Supervising Nursing Education Consultant.

Ms. DeYoung shared that there are now 166 approved schools/programs: 154 VN and 12 PT. Since November 2022, 15 new schools or programs have submitted a

letter of intent (LOI): 13 private and 2 community colleges. Of these 15, two (2) have already been approved to start a VN program, eight (8) are assigned to an NEC, and the remaining schools have not submitted the additional required documentation with the LOI.

The Education and Practice Committee met on June 26, 2023 via Webex. The Education tab on the BVNPT website has been updated to include additional resources to allow more public access to information. The Education Division is currently working on a couple special projects which include updating forms to comply with regulations and reviewing Article V of the Board's school regulations for both VN and PT to submit recommendations for regulatory updates.

**Committee Discussion:**

Dr. Mountain asked if any of the 15 proposed programs were PT programs, Ms. DeYoung confirmed that they are all VN programs. Dr. Mountain asked if there had been any proposed PT programs in the past year. Ms. DeYoung confirmed that with cohort 1 starting in January 2022, combined with the current proposals; all have been VN. Dr. Mountain shared that she has a contact at UCSF that is doing their annual Study on nursing and had posed the question to her, to which she directed them to the BVNPT. She is unaware of the intent but wanted staff to know it's on their radar.

Ms. DeYoung shared issues mentioned by PT program directors, including enrollment deficiencies and career advancement options.

6. Licensing Division Update – Shelley Brown, Licensing Division Manager.

Ms. Brown shared that there are currently six (6) vacancies in licensing. The job(s) have been posted and applications are being accepted. Interviews will be conducted as soon as possible. Gabriela Arreola has been promoted to a supervisory role and the Board is excited to have her continue her work internally.

Processing times and phone wait times are remaining consistent.

**Committee Discussion:** None.

7. Legislation and Regulations – Mark Ito, Assistant Executive Officer.

Mr. Ito shared a short background and update to the status of SB 544. This bill seeks to update the Bagley-Keene Open Meeting Act.

Mr. Ito shared an update on AB 1536: New School Program Approval Process regulation package. First, the readoption of the Emergency Rulemaking was approved and now expires June 24, 2024. Staff continue to work towards making these permanent regulations. The proposed amended language and forms were approved at the last Board meeting, staff will be submitting to DCA Executive for review. Mr. Ito gave special thanks to Ms. Schieldge for her expertise, guidance, and assistance in getting these packages where they are today.

Ms. Wood gave an update of the Disciplinary Guidelines, specifically, that she has been working on the mandatory documents that are needed to complete the package. Once these forms are complete, the package will be sent to legal for review and next steps. Ms. Schieldge shared additional information for clarification to the documents that are necessary for the regulations package as mentioned as well as a more in-depth overview of the complete rulemaking process and the different agencies that are required by law to review and approve the package before the Board may adopt changes to its regulations (Director of DCA, Secretary of the Business, Consumer Services and Housing Agency, the Department of Finance, and the Office of Administrative Law).

Mr. Ito shared an update on the Board's upcoming Sunset Review Report. Managers have begun working on their sections of the report, which that will be combined to create the full report.

**Committee Discussion:**

Mr. Dierking asked to clarify the potential amendments to SB 544. Ms. Schieldge elaborated on her recent understanding of the current proposals and how they affect the current law including a proposal that Board members attend board meetings in-person at least 50% of the time. Ms. Yamaguchi shared information on the most recent status of this bill based on her current understanding and research.

8. Board Schedule –Mark Ito, Assistant Executive Officer.

Mr. Ito shared with attendees that the next board meeting is August 24 and 25 in Sacramento, at the Evergreen Hearing Room. This is a 2-day meeting, offering a Training and Development Day leading into the Business Meeting Day.

9. Board Member Accountability – Mark Ito, Assistant Executive Officer.

Mr. Ito shared a copy of the 2023 member vote log. There are no issues currently with members voting. He shared that if/when a member is up for re-appointment, some appointing bodies will ask for attendance and participation information as part of consideration; the vote log is one of the key resources for this information.

10. Next Executive Committee Meeting: TBD September 2023.

Next Executive Committee Meeting is scheduled for September 14, 2023 from 2:00 – 4:00 pm or until the completion of business.

11. Suggestions for Future Agenda Items.

Mr. Dierking requested continued updates on Operation Nightingale. Dr. Mountain agreed.

12. Adjournment.

Dr. Mountain adjourned this meeting at 3:00 pm.

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

**Elaine Yamaguchi**

Executive Officer

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

**Dr. Carel Mountain, Education Member**

Board President